IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 8035 of 2005

Between:

N.Ashok, S/o.Govindaiah,
Shop No.4, Housing Board Colony, Gadwal Proper, Mahabubnagar District.

..... PETITIONER

AND

1 The Joint Collector, Mahabubnagar District.
2 The Sub-Collector/Revenue Divisional officer, Gadwal, Mahabubnagar Dist.
3 The Mandal Revenue officer, Gadwal Mandal, Mahabubnagar Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or a direction, more particularly one in the nature of writ of Mandamus, declaring the proceedings of the 2nd respondent in procs.NO.G/1591/2004, dated 20-7-2004 and the consequential orders of the 1st respondent in case No.CS1/ 878/2004, dated 5-3-2005 as being arbitrary, illegal, unreasonable, apart from violative of the principles of natural justice and consequently set-aside the same and pass such other order or orders as this Hon'ble court deems fit and proper.

Counsel for the Petitioner :MR.K.S.MURTHY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The petitioner who is a fair price shop dealer challenges the orders passed by the appointing authority i.e. second respondent as well as the appellate authority i.e. first respondent.

The second respondent suspended the authorization of the petitioner by an order dated 20-7-2004, which reads as under:

> *" In view of the above, the authorisatino of Sri N. Ashok F.P. Shop dealer, Shop No. 4 of Gadwal town is suspended with immediate effect."*

From the above, it is absolutely unclear as to whether the suspension of the authorization was pending enquiry or a punitive action.

However, aggrieved by the said order, the petitioner preferred an appeal before the first respondent. Surprisingly, the first respondent passed order dated 5-3-2005, which reads as under:

> *"I have heard the appellant and perused the lower court order.*
>
> *I see no reason to interfere with the order of the Revenue Divisional Officer and dismiss the appeal."*

The appellate authority shall understand the way of disposing the appeal while performing duties as a Quasi Judicial Authority. These kinds of orders with laconic language are not desirable to be passed. Reasons should imperatively be given while disposing of the appeals particularly in a matter where the appointing authority simply suspended the authorization of the dealer without indicating as to whether it was suspended as a measure of punishment or pending enquiry. In other words, I am of the view that the appellate authority ought to have been more diligent in passing an order while dealing with an appeal.

For the fore going, the writ petition is allowed at the stage of admission and the impugned orders passed by the first and second respondents are hereby set aside and the matter is remanded to the second respondent with a direction to pass appropriate orders after assigning reasons and after following the procedure prescribed under law. No costs.

12-04-2005

Note:

Issue CC in one day

B/0 kvsn

To

1 The Joint Collector, Mahabubnagar District.

2 The Sub-Collector/Revenue Divisional officer, Gadwal, Mahabubnagar Dist.

3 The Mandal Revenue officer, Gadwal Mandal, Mahabubnagar Dist.

4 Two CCs to GP for Civil Supplies, High Court buildings, Hyderabad.

5 Two CD copies.